

Remarks

I. Introduction

This is in response to the final Office Action dated February 26, 2010 and is being submitted with a Request for Continued Examination.

The Office Action rejected claims 1-3 and 5-29 under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 6,237,054 to Freitag, Jr. ("Freitag").

Claim 4 was previously canceled. Claims 1-3 and 5-29 are pending.

II. Rejection under 35 U.S.C. §102(b)

Independent claims 1, 27, 28, and 29 were rejected under 35 U.S.C. §102(b) as being anticipated by McNutt. In order for a claim to be anticipated under 35 U.S.C. §102, **each and every** limitation of the claim must be found either expressly or inherently in a single prior art reference. PIN/NIP, Inc. v. Platte Chem. Co., 304 F.3d 1235, 1243 (Fed. Cir. 2002). In the present case, Freitag does not show every limitation of independent claims 1, 27, 28, and 29. Therefore, applicants request the withdrawal of the rejections under 35 U.S.C. §102(b).

The present invention generally relates to configuring a network interface device. As illustrated in FIG. 1, a network interface device 1200 can be used to communicatively couple a process network 1400 related to an industrial application to a non-process network 1300, such as an Ethernet network, UDP-based network, TCP-based network, or the Internet. An information device 1500 communicates with the network interface device 1200 via the process network 1400. As described at paragraphs [80]-[83] of the specification, a wizard 1600 located at information device 1500 automatically enforces user compliance with a plurality of predetermined steps for a computer-assisted configuration of the network interface device. As described in paragraph [91], the computer-assisted

configuration layer can relate to an OSI transport layer or any layer above the transport layer in the OSI model. The information device 1500 then sends configuration settings to the network interface device 1200 via network 1400. Accordingly, the network interface device 1200 can be configured using a wizard 1600 running on a separate information device 1500 communicating with the network interface device 1200 via a network.

Independent claims 1, 27, 28, and 29 recite the above described aspects. In particular, independent claim 1 recites:

A method for configuring a network interface device **from an information device communicating with the network interface device via a network**, the network interface device adaptable to connect a programmable logic controller to a network, said method comprising:
 automatically enforcing, **via a wizard at the information device**, user compliance with a plurality of predetermined steps for a computer-assisted configuration of the network interface device, the computer-assisted configuration relating to an OSI transport layer or above; and
 providing at least one setting to the network interface device **from the information device via the network**.

Freitag does not disclose the above limitation of independent claim 1, and therefore does not anticipate independent claim 1 under the strict anticipation standard of §102.

Freitag is directed to a network interface unit including a microcontroller having multiple blocks of programming logic that are variably configurable to perform selected functions. As illustrated in FIG. 2 of Freitag, the network interface unit 32 is included within a computer system 10. As illustrated in FIG. 3, the network interface unit 32 includes a microcontroller 36 having an execution unit 44 formed upon a monolithic semiconductor substrate. The execution unit 44 includes a processor core and multiple configurable logic blocks (CLBs) coupled to the processor core. There is no description in Freitag of the network

interface unit being configured using a wizard running on a separate information device communicating with the network interface unit via a network.

The Office Action states that the limitation "automatically enforcing, via a wizard at the information device, user compliance with a plurality of predetermined steps for a computer-assisted configuration of the network interface device, the computer-assisted configuration relating to an OSI transport layer or above" is disclosed in Freitag at column 6, lines 15-31, stating "configuring NIU 32 to transmit and receive data". Column 6, lines 15-31 of Freitag describes that "network interface unit 32 is configured to transmit and receive information (i.e., data) via the network transmission medium 12. However, the configuration of the network interface unit 32 of Freitag is performed on the computer system 10 on which the network interface unit 32 is located. In this limitation of claim 1 "the information device" refers to "an information device communicating with the network interface device via a network". There is no description in Freitag of configuring the network interface unit at a computer system other than the computer system on which the network interface unit is located. Furthermore, there is no description, in the cited section or elsewhere in Freitag, of a wizard being used to enforce user compliance with predetermined steps for configuration of the network interface device. Therefore, Freitag fails to disclose "automatically enforcing, via a wizard at the information device, user compliance with a plurality of predetermined steps for a computer-assisted configuration of the network interface device, the computer-assisted configuration relating to an OSI transport layer or above," as recited in independent claim 1.

The Office Action also relies on column 6, lines 15-31 of Freitag as disclosing the limitation "providing at least one setting to the network interface device from the information device via the network," stating "providing a selected communication protocol to NIU 32 to transmit and receive data". Although the cited section of Freitag describes the network interface unit 32 transmitting and receiving data using a selected communication protocol, there is no description

that the communication protocol or any setting of the network interface unit is selected by a separate computer system and provided to the network interface unit via a network. Therefore, Freitag fails to disclose "providing at least one setting to the network interface device from the information device via the network," as recited in independent claim 1.

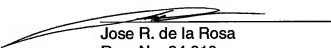
Freitag does not disclose each and every limitation of independent claim 1 and cannot anticipate independent claim 1 under the strict anticipation standard on §102. Thus, claim 1 is allowable over Freitag. Since claims 2-3 and 5-26 depend from independent claim 1, these claims are also allowable over Freitag.

Independent claims 27, 28, and 29 recite limitations similar to the limitations of independent claim 1. For similar reasons to those described above in connection with independent claim 1, Freitag fails to disclose each and every limitation of independent claims 27, 28, and 29. Therefore independent claims 27, 28, and 29 are also allowable over Freitag.

III. Conclusion

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested.

Respectfully submitted,



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